
Appeal Decision

Site visit made on 2 September 2025

by J Hills MRTPI

an Inspector appointed by the Secretary of State

Decision date: 08 September 2025

Appeal Ref: APP/P1133/W/25/3368931

Tracey House Retirement Home, Haytor Road, Bovey Tracey, Devon TQ13 9LE

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr and Mrs Zakrzewski against the decision of Teignbridge District Council.
 - The application Ref is 24/01348/FUL.
 - The development proposed is change of use from residential institution (Class C2) to 6 holiday lets.
-

Decision

1. The appeal is dismissed.

Applications for costs

2. The appellant has made an application for costs which is the subject of a separate decision.

Preliminary Matters

3. The Council refused the scheme partly on the basis of claimed conflict with emerging Teignbridge Local Plan (ELP) Policy GP6B. The Council says that this policy has been renamed GP6 and I shall refer to it as such. It is understood that the plan's policy is at an advanced stage where there are no unresolved objections, post examination. Moreover, the ELP is said to be likely to be sound.
4. Policies in emerging plans do not have the same statutory force as that accorded to policies in adopted development plans under s38(6) of the 2004 Act. They will nevertheless be material considerations. ELP GP6 is similarly worded to adopted Policy WE12 of the Teignbridge Local Plan (LP) and based on the evidence before me, is likely to be adopted in its current form. For these reasons, it can be given a good amount of weight as a material consideration.

Main Issue

5. The main issue is the effect of the proposal on community facilities in the area.

Reasons

6. The appeal site contains a building that was until April 2023 used as a privately run care home. It is said to have closed due to health reasons and operational burdens.
7. LP Policy WE12 seeks to maintain a range of accessible services. To achieve this, it restricts the loss of local community facilities unless any one of a number of criteria from a) to d) apply. Criterion a) requires that there continues to be a

sufficient choice of provision in the local area. Another care home in Bovey Tracey is said to have accommodated up to 10 residents following the closure of the facility. It is also claimed that a lack of objection from the statutory provider of adult social care indicates adequate provision exists in the local area. However, I have been provided with no substantive evidence of the current levels of need or requirements for this local area. Neither has it been convincingly demonstrated that a sufficient choice of care homes exists in the locality.

8. Criterion b) of LP Policy WE12 supports proposals where significant problems with an existing use can only be resolved through relocation. Notwithstanding the appellant's difficulties faced in continuing the use, the scheme does not involve a relocation. As such, there is little to show this criterion is of relevance.
9. The benefits of a replacement use must outweigh the loss of the care home, and this is set out in criterion c). It is acknowledged that there is policy support in the LP under EC11 and through ELP Policy EC6 for the conversion of existing buildings to tourism uses. The reuse of buildings is also supported in the National Planning Policy Framework (the Framework). Moreover, the appeal site is on a tourist route to Dartmoor. However, the support for the provision of care homes is also embedded within the Framework. Therefore, in the absence of any strong evidence to the contrary, any benefits associated with a tourism use are not shown to be significant enough to outweigh the loss of this community facility.
10. Criterion d) requires it to be demonstrated that the use is no longer necessary or viable in the longer term. While the smaller type of home may be dated and did not offer nursing or dementia care, the appellant concedes that care spaces are in need in the district. It is not clear to me that this facility is no longer necessary.
11. In respect of viability, it is acknowledged that the property had been on the market for up to 4 years without a sale. Interested parties do however refer to a recent sale and intentions of a new owner to use the building as a care home, though there is no firm evidence on this matter. That aside, in the 2 years or so that the property was marketed using specialist healthcare business agents, there was interest but offers fell well below the appellant's expectations.
12. In that context, the agent does not confirm that the property was marketed at an independently verified and reasonable price, as required by ELP Policy GP6. Although not specifically required by LP Policy WE12, such information would not necessarily be unexpected when claiming a use is not viable. Although post pandemic factors are noted, as well as grounds maintenance and rising energy costs, any detailed financial breakdown of ongoing or projected future viability is absent. As such, even with a substantial time on the market, personal expectations of a desired or unmet sale price do not demonstrate the longer-term operation of this care home is not viable.
13. For the reasons set out above, although not currently operational, the proposal would result in the unjustified loss of a community facility. Consequently, there would be conflict with LP Policy WE12.

Other Matters

14. I have paid regard to the comments made in respect of officer recommendations to the Council's planning committee. I have however assessed this scheme on its merits and the evidence before me.

15. Even if matters of biodiversity net gain, highways safety, and living conditions of nearby residents could, if necessary, be addressed using appropriately worded planning conditions, any associated benefits or mitigation would not outweigh the identified harm.

Conclusion

16. For the reasons outlined above, the proposed development conflicts with the development plan taken as a whole. There are no other considerations, including the Framework, which indicate a decision other than in accordance with the development plan. I therefore dismiss the appeal.

J Hills

INSPECTOR